

**CITY COUNCIL MINUTES**  
**December 3, 2012**

**I. ROLL CALL & ORDERING OF AGENDA**

President Mike Buytendyk called the regular meeting of Wooster City Council to order at 7:30 p.m. in council chambers by asking everyone to rise and join in the Pledge of Allegiance. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, Craig Sanders, David Silvestri, Jeff Steiner and Jon Ulbright. Dick Benson was Acting Clerk of Council.

City Administration present: Mayor Bob Breneman, Director of Administration Joel Montgomery, Finance Director Andrei Dordea and Law Director Dick Benson.

**II. APPROVAL OF MINUTES**

Mr. Steiner moved, seconded by Mr. Cavin, to approve the November 19, 2012 meeting minutes. Upon voice vote, motion carried unanimously.

**III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

Mayor Breneman updated council on various activities in the city: 1) Addressed importance of Ordinance #2012-36 & Resolution #2012-109, the need for additional revenue to make up for the loss the city is experiencing from changes in state funding. The request is to increase the City of Wooster's income tax rate from 1% to 1.5% and certify such vote with the Wayne County Board of Elections on the May 2013 ballot.

Mr. Montgomery updated council: 1) The Burbank Road sanitary sewer and storm sewer project will soon begin and the 240 day time frame is the overall contract time, however he anticipates the project to be completed sooner than projected. 2) The city will be receiving \$500,000 in state funding for use towards the Water Treatment Plant improvements. 3) A study of the SR83 and Smithville-Western Road intersection indicated an increase in severe accidents. Safety funds which were applied for through ODOT will pay for at least 90% of the improvements at the intersection. Mr. Montgomery said he would like the Infrastructure Committee to hold a meeting to go over the details of the plans for this intersection. 4) Addressed an article in the Daily Record regarding pay increases. He said city administration has been strategically reorganizing the city's workforce as employees leave employment with the city. The number of employees and management positions have been reduced, as well as the overall salaries. Since 2009 salaries have been lowered by \$1 million (11%) and management salaries have been lowered by over \$240,000 (16.5%).

**IV. PETITIONS/COMMUNICATIONS FROM PUBLIC (none)**

**V. COMMITTEE REPORTS; PUBLIC HEARINGS**

Two public hearings were set for January 7, 2013 at 7:30 p.m. for the following:

- 1) The zoning of a .69 acre parcel to a M-2 (General Manufacturing) District for property located on the east side of Geyers Chapel Road, between Long Road and Benden Drive (Brasfond USA Corp).
- 2) The zoning of 140.012 acres (being petitioned for annexation) to an M-4 (Open Space/Heavy Manufacturing) District for property located on the west side of State Route 585/Akron Road, between Old Airport Road and Geyers Chapel Road (LUK USA, LLC/The Donald and Alice Noble Foundation).

A Public Hearing was held on the Zoning Code Amendment Title One, General Provisions/Administration; Chapter 1119, Amendments; Section 1119.08(b), Recommendation by the Planning Commission; and Section 1119.10(d), Action by City Council). Ms. Knapic, Chairman of the Laws and Ordinance Committee, opened the Public Hearing and explained the changes in Ordinance #2012-35 will extend the time frames for the Planning Commission to make recommendations on proposed amendments (45 days to 60 days) and for City Council to consider and vote on the Planning Commission recommendations (60 days to 120 days). Val Jesionek, Planning & Zoning Manger,

further explained the changes and answered council's questions. There was no public comment and the Public Hearing was closed.

## **VI. OLD BUSINESS**

1. Second Reading - ORDINANCE NO. 2012-32 APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said this ordinance pertains to the City of Wooster's 2013 annual budget. A Finance Committee meeting was held at 5:30 p.m. prior to the council meeting and the specifics of the budget were discussed. Mr. Ansel said it was alarming to see that the lowest revenue projected in over 10 years is being forecast for 2013. He said the good news is the remarkable job the city administration has done in cutting expenses and that the 2013 expense projections are very low. However, he said the variance of the two still exceeds a \$2 million shortfall being forecasted in 2013. Mr. Ansel said there will be another Finance Committee meeting held on Monday, December 10, 2012, at 5:30 p.m., to further discuss the City of Wooster's budget and the Wooster Community Hospital's 2013 budget. Council members elaborated on the severity of the impending financial projections. The ordinance remained on second reading.

2. Second Reading - RESOLUTION NO. 2012-104 ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS (Ansel)

Mr. Ansel said there was much discussion on this issue at the Finance Committee meeting earlier in the evening and indicated he would be leaving the resolution on second reading. He complimented Justin Starlin, Economic Development Manager, on his presentation to the Finance Committee, which provided clarity on two underperforming EZ agreements, as well as highlighted the other EZ agreements that are meeting and/or exceeding their commitments. Mr. Cavin asked if it would be possible to separate the two underperforming EZ Agreements from the others and Mr. Benson confirmed that it could be done. The resolution remained on second reading.

## **VII. NEW BUSINESS**

1. First Reading - ORDINANCE NO. 2012-34 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LUK USA, LLC AND THE WOOSTER GROWTH CORPORATION FOR TAX ABATEMENT, AND DECLARING AN EMERGENCY (Ansel)

Mr. Sanders recused himself. Mr. Ansel said LuK USA requested a tax abatement as incentive for a proposed expansion at their manufacturing facility located at 3401 Old Airport Road, which will include a capital investment of \$46,500,000 in new construction and new machinery and equipment, as well as the creation of 95 new full-time permanent jobs. Mr. Ansel said this is a long term commitment to our community and the prosperity of our region and also the employees that serve LuK. Justin Starlin further highlighted the project and introduced representatives from LuK who were in attendance. Mr. Ansel said the request was for a 75% tax abatement for ten years on real estate and personal property taxes. A typographic correction was noted, to delete "AND THE WOOSTER GROWTH CORPORATION" from the title of the ordinance.

Mr. Ansel moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes. Mr. Sanders was recused).

Mr. Ansel moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Silvestri-yes; Steiner-yes and Ulbright-yes. Mr. Sanders was recused).

2. First Reading - ORDINANCE NO. 2012-35 AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO TO ENLARGE THE LENGTH OF TIME FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION OF PROPOSED AMENDMENTS THERETO (Knapic)

Ms. Knapic said this amendment to the zoning code would allow a greater length of time for the Planning Commission and City Council to consider proposed amendments. Previously this year a Planning Commission recommendation came before city council and a special meeting was necessary in order to adhere to the timeline of the zoning code. In order to avoid such situations in the future, Ms. Knapic said council recommended that the time frames be extended.

Ms. Knapic moved, seconded by Mr. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Ms. Knapic moved, seconded by Mr. Cavin, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

3. First Reading - ORDINANCE NO. 2012-36 TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said city administration and city council have been involved and engaged in constant financial reviews of the potential income tax adjustment required to allow the city to operate in the black. Mr. Ansel explained there are two components of this process: 1) Section 1701.03 is to impose a 1.5% income tax rate and 2) Section 1701.04 to state the effective period of on and after January 1, 2014. Mr. Ansel said there has been a lot of discussion and public input, recognizing the City of Wooster's income tax rate has been 1% for approximately 42 years and is still one of the lowest tax rates in Ohio. Mr. Ansel said this is the first step of coming to grasps with the financial revenue shortfall the city is facing and asking the citizens of the City of Wooster if they want to continue to maintain the quality of life they currently have. Mr. Buytendyk noted that in the event the income tax increase goes on the ballot and is successful, then Ordinance No. 2012-36 will go into affect on January 1, 2014, however, it is predicated on the fact that the citizens of the City of Wooster must approve the income tax increase on the ballot issue, addressed in Resolution No. 20-12-109. The ordinance remained on first reading.

4. First Reading - RESOLUTION NO. 2012-106 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW A CONTRACT WITH THE CENTRAL FIRE DISTRICT TRUSTEES FOR THE FURNISHING OF EMERGENCY AMBULANCE SERVICES TO A PORTION OF WAYNE TOWNSHIP, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner said this request is for a one-year contract renewal with the Central Fire District Trustees to provide emergency ambulance services to township residents in the service area outlined on the map attached to the resolution. Mr. Steiner said the city has successfully provided this service for several years and Fire Chief Rob Eyler assured council it will not impair the ability of the Wooster Fire Division to also provide services to municipal residents. A typographic correction was noted, to change "northeast" to "northwest" in the first whereas clause of the resolution.

Mr. Steiner moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Steiner moved, seconded by Ms. Knapic, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

5. First Reading - RESOLUTION NO. 2012-107 AUTHORIZING THE MAYOR TO ACCEPT A GIFT OF MONEY FROM THE DONALD AND ALICE NOBLE FOUNDATION FOR A PAVING PROJECT IN THE EDUCATION CENTER AREA OF WOOSTER MEMORIAL PARK, AND DECLARING AN EMERGENCY (Silvestri)

Mr. Silvestri said the Friends of Wooster Memorial park approached the Donald and Alice Noble Foundation for a gift to aid in the resurfacing of the parking lot and drive at Wooster Memorial park, and the Foundation's board of directors awarded a check of \$18,274.00 for that project. Mr. Silvestri said this legislation is for the city to accept that gift of money from the Donald and Alice Noble Foundation for the paving project at Wooster Memorial park. Mr. Silvestri expressed appreciation to the Noble Foundation for their continued generosity to the city.

Mr. Silvestri moved, seconded by Mr. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Silvestri moved, seconded by Mr. Cavin, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

6. First Reading - RESOLUTION NO. 2012-108 AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REPAIR OF SR3/SR83 BETWEEN US 30 AND FRIENDSVILLE ROAD, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright said this request to authorize city funds for a portion of the ODOT SR 83 (Dix Highway) Minor Rehabilitation Project. ODOT will fund 80% of the construction costs and the city will be responsible for 20% of the construction costs located within the city corporation limits and 50% of any concrete repairs. The estimated total project cost is \$45,000 and the project will take place in 2013.

Mr. Ulbright moved, seconded by Mr. Sanders, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

7. First Reading - RESOLUTION NO. 2012-109 DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 1701.03 AND 1701.04 OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, IN ORDER TO PROVIDE FOR A ONE-HALF OF ONE PERCENT INCREASE IN THE CURRENT LEVY ON INCOME, FROM ONE PERCENT TO A RATE OF ONE AND ONE-HALF PERCENT ON AND AFTER JANUARY 1, 2014, FOR THE PURPOSES OF GENERAL MUNICIPAL OPERATIONS, MAINTENANCE, NEW EQUIPMENT, EXTENSION AND ENLARGEMENT OF MUNICIPAL SERVICES AND FACILITIES AND CAPITAL IMPROVEMENTS OF THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said this resolution validates the citizens' opinion of the proposed income tax increase. Ordinance No. 2012-36 adjusts the Codified Ordinances if necessary, but Resolution No. 2012-109 actually presents to the electors of the City of Wooster council's recommendation to increase the city income tax on the May 7, 2013 ballot. Mr. Ansel read Section 2 of the resolution, as to how the wording will appear on the ballot:

**PROPOSED MUNICIPAL INCOME TAX INCREASE  
CITY OF WOOSTER  
A majority affirmative vote is necessary for passage**

Shall the Ordinance (Ordinance No. 2012-36) providing for a one-half of one percent (0.5%) increase in the current levy on income, from a rate of one percent (1%) to a rate of one and one-half percent (1.5%) on and after January 1, 2014, for the purpose of general Municipal operations, maintenance, new equipment, extension and enlargement of Municipal services and facilities and capital improvements of the City of Wooster, be approved?

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

Mr. Ansel said the deadline to submit this proposal to the Wayne County Board of Elections is February 8, 2012. The resolution remained on first reading.

- 8. First Reading - RESOLUTION NO. 2012-110 AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF OHIO OFFICE OF COMMUNITY DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT DISCRETIONARY TARGETS OF OPPORTUNITY GRANT, TO ACCEPT SUCH MONIES, IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said this is a very exciting initiative, to submit an application to the State of Ohio Office of Community Development, for a Discretionary Targets of Opportunity Grant in the amount of \$253,200.00, to be utilized by private property owners for rehabilitation of the following downtown properties: 154 W. Liberty Street; 148 W. Liberty Street, 144 W. Liberty Street and 140 W. Liberty Street. Mr. Ansel said these are nice properties, but this grant will allow them to beautify their buildings to the same level as the new building being constructed across the street from them. This is only a submittal request and Mr. Ansel said it is unknown if the city will receive the funding. Mr. Justin Starlin answered questions and further explained the program, saying the grant is a 50/50 match and the property owners will have to invest \$250,000 into the project as well.

Mr. Ansel moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ansel moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

- 9. First Reading - RESOLUTION NO. 2012-111 AUTHORIZING THE PAYMENT OF MORAL CLAIMS, AS RECOMMENDED TO THIS COUNCIL BY THE MORAL CLAIMS BOARD, AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel said the Moral Claims Board met and heard an appeal regarding a sewer back-up that occurred on August 28, 2012 at 1636 Beall Avenue. The Moral Claims Board recommended that reimbursement be made to the claimants Rodney and Misty Hostetler in the amount of \$3,802.51, from the Water Pollution Control Fund, for damages incurred from the sewer back-up.

Mr. Ansel moved, seconded by Mr. Silvestri, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ansel moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

### **VIII. MISCELLANEOUS**

Mr. Buytendyk announced the retirement of Cheryl Collins, Clerk of Council, and said she did a great job for City Council and the City of Wooster and she will be missed. Details of a retirement reception for Ms. Collins will be announced at a later date.

Ms. Knapic gave her best wishes to Cheryl Collins and said she will be sorely missed by council.

Mr. Silvestri said he has received positive feedback on the Melrose Drive improvement project and he appreciated all the work done on the project which turned out great. He also is looking forward to the much needed improvements to the intersection at SR 83 and Smithville Western Road.

Mr. Ansel said tonight's topics ranged from good to bad. The city is continuing to grow, but also the harsh reality of 42 years of economic prosperity within the City of Wooster, at a 1% income level, is proposed to be changed. Regarding modifications to the SR 83 and Smithville Western Road intersection, he was glad to hear of those plans, as it is a very dangerous intersection. Mr. Ansel said Clerk of Council Cheryl Collins will be missed.

Mr. Ulbright said he too will miss Cheryl Collins. Mr. Ulbright indicated he appreciated all the positive comments made in regards to infrastructure projects and gave credit to Joel Montgomery and the Engineering Division.

### **IX. ADJOURNMENT**

Mr. Ulbright moved, seconded by Mr. Steiner to adjourn. Motion carried and meeting so adjourned at 9:03 p.m.

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Michael G. Buytendyk  
President of Council

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Cheryl K. Collins  
Clerk of Council